# Minutes of the 92nd meeting of Day 2 of the Board of the EHRC

**19th November 2020 (12:15-15:15)**
**Via video conference using WebEx**

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Attending

Commissioners

Officers

Guests

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**Attending:**

***Commissioners***
Caroline Waters, Interim Chair
Rebecca Hilsenrath, Chief Executive Officer
Suzanne Baxter
Pavita Cooper
Alastair Henderson
Helen Mahy
Mark McLane
Lesley Sawers

***Officers***
Joe Corcos, Director – People and Infrastructure (item 6)
Cath Denholm, Executive Director – Corporate Services and England
Naomi Fawcett, Associate – Corporate Governance
Melanie Field, Executive Director - Strategy, Policy and Wales
Carla Garnelas, Senior Principle – Strategy Hub (item 4)
Julie Jarman, Senior Principal – Strategy Hub (item 4)
Callum MacInnes, Principal – Corporate Governance
Libby McVeigh, Director - Strategy and Governance
Lauren Payne, Principal – Strategy Hub (item 4)
Alastair Pringle, Executive Director - Legal, Compliance and Scotland
Lyndsey Saki, Senior Associate – Strategy Hub (item 4)
Graham Wheaton, Senior Associate – Corporate Governance

***Guests***
Martyn Jones, Interim Chair - EHRC Wales Committee

## 1. Chair's introduction

1.1 Caroline Waters welcomed attendees and thanked Libby McVeigh for her invaluable work at the Commission as she moves on to pastures new, wishing her the best for the future.

1.2 Martyn Jones continues to attend as Interim Chair of the Commission's Wales Committee, pending the appointment of a Wales Commissioner.

## 2. Apologies for absence

Susan Johnson sent apologies.

## 3. Declarations of interest

No declarations were made additional to those already registered.

## 4. Strategic item – Business planning

## 4.1 Introduction

4.1.1 The Chair presented the business planning papers EHRC 92.09a-92.09i, asking members to consider these in the context of the spending review, risks and political context. She advised that the aim of this session was for Board members to give a steer on upcoming priorities and areas they were happy to de-prioritise.

4.1.2 Rebecca Hilsenrath advised members that business planning is now being undertaken in an integrated, agile and effective way, specifically through the use of 90-day reviews of the annual business plan.

4.1.3 Members of the Strategy Hub set out the background and context, including that: a number of significant activities would be continuing as this was the final year of the strategic plan; the pandemic has transformed the political, social and economic environment; relationships with governments remained important; there would be elections in Scotland and Wales in May; there were uncertainties resulting from the spending review, the challenges of Brexit and the Government's review of the Human Rights Act. They noted that the principles of the plan included: maximising the full range of the Commission's levers and powers; embedding the lessons from previous work; and strengthening the approach to setting SMART success measures whilst being realistic about what was achievable.

4.1.4 Board members were advised on how the work fits together within the context of the Commission's goals and priorities of the strategic plan, whilst considering three-nation approaches and their feedback.

4.1.5 Commissioners queried how the new race programme of work was embedded into the business plan. Members were assured that the race work is embedded across the priority aims and No.10 are pleased that the Commission is undertaking this work.

## 4.2 Discussion

4.2.1 After having discussed the plan in small groups, Members agreed that the areas that should be prioritised included: the race programme; the social care inquiry; gender pay gap reporting enforcement; strategic opportunities to influence transport in Scotland and Wales; work around the Domestic Abuse Bill and violence against women and girls and the impacts of the pandemic on both mental health and education.

4.2.2 Members agreed that areas that could be de-prioritised and / or delivered differently in order that they required less resource included work on: transport (other than those identified above); sexual harassment and a Section 28 (legal assistance) project on education. These areas could be considered using singular high impact cases and / or working in partnership with other Regulators, Inspectorates or Ombudsman organisations.

4.2.3 The Executive thanked Board members for a very helpful session and agreed that an overarching plan for external publication would come to the Board in January and March 2021. A request was made for a small group of Commissioners to work with the Strategy team to firm up plans in December 2020. **Action: Strategy team to arrange further Commissioner engagement with those Commissioners who had volunteered to assist.**

**5. Wales and Scotland Annual Reviews**

**5.1 Wales Annual Review**

5.1.1 Martyn Jones spoke to paper EHRC 92.10. Key highlights included: the Welsh Government's interim guidance on the socio-economic duty reflecting the Commission's advice; the forthcoming review and strengthening of the Welsh regulations for the Public Sector Equality Duty (PSED); that the Higher Education Funding Council for Wales' (HEFCW) have committed to take forward the recommendations from the Commission's Higher Education Inquiry; and, with a dedicated lawyer now in the Wales team, a submission having been made to the Welsh Government's consultation on the Legislation (Wales) Act 2019.

5.1.2 The Wales team have: worked alongside parliamentarians in Wales to have impact on the campaigning for the first 100 days of the Welsh elections; worked with partners to reduce inequalities and promote fairness and fed into the work on the impact of Brexit.

**5.2 Scotland Annual Review**

Lesley Sawers spoke to papers EHRC 92.11a and 92.11b. Thanks were given to the Scotland team and Scotland Committee members. The report demonstrated a greater understanding, commitment and support for the work in Scotland over the last 12-24 months. Commissioners were encouraged to join future Committee meetings. **Action: Secretaries of Committees and Board to set up a rota for new and existing Commissioners to attend both Wales and Scotland Committee meetings.**

**5.3** Caroline Waters thanked Martyn Jones; Lesley Sawers; the Wales and Scotland Committee members and the Wales and Scotland teams for their hard work; for having good impact and for continuing to build connections.

**5.4** Members discussed the improvement with the three-nation process for inputting into the strategic items coming to Board meetings. Members reflected that the Executive team have driven an open approach that allowed the different approaches across the nations to be considered. There was, however, still room for improvement in the accompanying reports to ensure consistency and better presentation.

**6 Skills, Resources and Lessons Learnt**

6.1 Rebecca Hilsenrath spoke to paper EHRC 92.12. Members were advised that this session was to provide assurance and to prompt discussion about where the Commission is now, what improvement looks like and forward planning. Highlights included that the:

a) Political and environmental climate has had a large impact on work, specifically the pandemic and the expected outcome of the spending review;
b) Adoption of a collaborative and agile way of working is now possible through multi-skilling and flexibility;
c) Employees stay at the Commission for more than three years on average;
d) Four main skills areas have potential gaps: horizon scanning; writing briefings; leadership and resource / project management;
e) Skills survey highlighted that the Commission had improved on leadership skills and direction at executive level; legal enforcement skills and in supporting infrastructure and delivery, specifically in improved procedures for decision-making; project management and clear governance structures
f) Concerted effort over the last 18 months has been to build the organisation's approach to 'seeing strategy through to delivery.' Improvement can be most seen through the introduction of the Strategy Hub and Performance and Effectiveness Unit (PEU). Improvements continue to build in areas of finance, contract management and risk.
g) Work undertaken on legal assessments and interventions has been positive, aligning strategically with broader influencing on PSED, whilst having less reliance on external counsel, and using in-house expertise.
h) Relationships with stakeholders were built on existing good foundations, particularly with parliamentarians. Continued focus will be on building relationships with Labour MPs newly-elected MPs and devolved governments.
i) Organisation is on the right track in many areas, including: governance; resource management; multi-skilled and multi-disciplinary team working; decision-making and prioritisation; talent management and leadership; and
j) Internal focus going forward will likely be on using more inquiry powers, which allows better flexibility and support from a range of different teams.

**6.2 Discussion**

6.2.1 Caroline Waters welcomed observations and feedback from members on the improvement cycle and future planning.

6.2.2 Lead Commissioners who worked on the legal investigations agreed with lessons learnt but noted it could be difficult to get external support early on in the process. They also noted the need for: clear roles and accountability to be established at the outset; the appropriate infrastructure to be in place from the beginning; continuity of leadership and a focus on the expected impact of the work from the start of the project.

6.2.3 Members enquired about workforce trends and what constraints there were currently. The Executive advised that there were a number of pressures, including: home working; the impact of the pandemic on mental health;

reduction of availability due to child care and overworking. These remained a concern as workloads increased and in the context of the potential impacts of the spending review. Members advised that prioritisation and resource allocation needed to be a key priority for the Executive.

6.2.4 Members noted that 25% of the organisation was functional 'back office' teams, which could be viewed as quite high. The Executive advised that the not all of this resource was corporate support, giving the example of the Communications team being both a support and delivery mechanism for strategic goals in its own right.

6.2.5 Members noted that future planning needed to include: strong project management and preparation; mainstreaming partnership working and consideration of whether secondees or volunteers from the private sector could be deployed where demand outstripped resource available.

**7 Any other business**

7.1 Members thanked Caroline Waters for her contribution as Interim Chair, stating that she had done an excellent job. Members were pleased that she would remain on the Board as Deputy Chair when Baroness Kishwer Falkner became Chair on 1st December 2020.

7.2 With no other business being raised, Caroline Waters thanked Board members and staff for their contributions, and drew the formal meeting to a close.

7.3 The 93rd Board meeting would take place on 13th January 2021.